

II. REMARKS

Claims 2, 6 to 8, 12 to 14, 19 to 21, 24 to 28, and 32 to 38 are pending. Claims 2, 7, and 12 are amended to correct a typographical error. Support of the claim amendments may be found in the specification as filed. *See, e.g.*, page 3, lines 24 to 26. Therefore no new matter is added.

Restriction Requirement:

In the Office Action, the Examiner required restriction to one of the following inventions under 35 U.S.C. § 121:

Group I: Claims 19 to 21 and 24 to 26, drawn to a transformed cell, classified in class 435, subclass 325;

Group II: Claims 19 to 21 and 24 to 26, drawn to an organism, classified in class 800, subclass 8; and

Group III: Claims 19 to 21 and 24 to 26, drawn to a transformed plant, classified in class 800, subclass 295.

Office Action at page 2.

The Examiner indicated that claims 2, 6 to 8, 12 to 14, 27, 28, and 32 to 38 link claims 19 to 21 and 24 to 26. *Id.*

The Examiner also required election of a single specie from: plant cell, plant, mammalian cell, mammal, fish cell, fish, bird cell, bird, bacterial cell, and fungal cell. Office Action at page 4. Further, the Examiner indicated that claims 19, 21, 24, and 26 are generic. *Id.*

Election:

Applicants respectfully traverse the restriction and species requirements and elect the subject matter of:

Group I, claims 19 to 21 and 24 to 26, drawn to a transformed cell; and
the specie:
plant cell.

Reasons for Traversal:

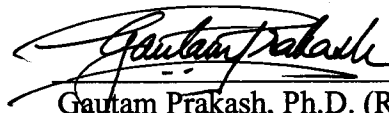
Applicants submit that the U.S. Patent and Trademark Office has not proven that the search and examination of the entire application would impose an undue burden. Applicants submit that the complete examination would be handled most expeditiously by treating all of the pending claims as a single entity. As M.P.E.P. § 803 directs, “[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.” Applicants respectfully submit that the Examiner has not shown that a search and examination of the entire application would cause a serious burden. Rather, a serious burden would arise if the application were restricted. Further, Applicants respectfully remind the Examiner that if Applicants elect a set of claims, and these claims are subsequently found allowable, withdrawn claims that include all the limitations of the allowed claims are eligible for rejoinder under M.P.E.P. § 821.04.

III. CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully submit that the present application is now in condition for allowance, and respectfully request notice of such. The Examiner is encouraged to contact the undersigned at 202-942-5085 if any additional information is necessary for allowance.

Respectfully submitted,

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